

REMARKS

I. Introduction

This is in response to the Office Action dated June 2, 2010.

The Office Action rejected claims 1-45, 63, 64, and 77 under 35 U.S.C. § 112, second paragraph.

The Office Action rejected claims 1-20, 23-42, 45-62, 65-76, and 78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,529,725 to Joao et al. (*hereinafter* “Joao”).

The Office Action rejected claims 21-22, 43-44, 63-64, and 77 under 35 U.S.C. § 103(a) as being unpatentable over Joao.

Applicants have amended claims 1, 22-25, 27-30, 44-45, 63-64, and 77. Claims 79-81 have been added. Claims 4, 26, and 47 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1-3, 5-25, 27-46, and 48-81 remain for consideration. No new matter has been added.

II. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-45, 63, 64, and 77 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner identifies various acronyms recited by the claims and indicates that such acronyms should be “spelled out.”

Claims 4, 26, and 47 have been cancelled thereby rendering moot all rejections to these claims.

In response to the Examiner rejection, Applicants have amended the claims to spell out the acronyms for each first instance of the respective acronym. Applicants note that “RSVP” is an acronym for “Répondez s’il vous plait,” a French-language phrase. In order to avoid introducing a foreign language into the claim language, Applicants have translated the phrase to “Please-Respond.”

Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

III. Claim Rejections

Independent claims 1, 23, 45, 46, 65, and 78 stand rejected under 35 U.S.C. § 35 U.S.C. § 102(e) as being anticipated by Joao. In order for a claim to be anticipated under 35 U.S.C. § 102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). However, Joao does not show each and every limitation of the independent claims. Therefore, the rejection under 35 U.S.C. § 102(e) should be withdrawn.

With respect to independent claim 1, Applicants note that claim 1 recites (emphasis added):

transmitting **to a wireless device associated with a first user** a managed message from a computational entity that sends the managed message **to at least one other device associated with at least one other user . . . ;**

receiving, from **at least one of the users**, at least one payment transaction authorization associated with input responsive to the managed message.

In accordance with claim 1, a managed message is transmitted to multiple users (i.e., “to a wireless device associated with a first user” and “to at least one other device associated with at least one other user”). Furthermore, a payment transaction authorization associated with input in response to the managed message is received from at least one of the users to which the managed message is transmitted. Applicants respectfully submit that Joao fails to disclose all of the features recited by claim 1.

Joao is directed to a “transaction security apparatus and method” that “provides notification to the individual account holder of the transaction.” (Joao, Abstract). When a purchase is made using a card (e.g., credit card or debit card), the system of Joao can attempt to communicate with the cardholder associated with the card. In response to a card transaction, a

central processing computer will “transmit respective signals and/or data to any one or more of the cardholders [devices].” (Joao, col. 17, line 49-53; col. 18, lines 22 – 28). The information transmitted may “include the phone number of the central processing office and/or computer servicing the account so that the cardholder may telephone same in order to authorize or cancel the transaction.” (Joao, col. 18, lines 36 – 40). The apparatus will then “wait for the cardholder to respond to the transmission.” (Joao, col. 18, lines 55 – 58).

Thus, Joao is directed to communication with an individual cardholder regarding a financial transaction, which was initiated with the cardholder. The financial transaction authorization is initiated by the user of the card, and only confirmed or cancelled by the cardholder in response to a communication from the central processing computer. In contrast, claim 1 transmits a managed message to multiple users. Furthermore, the financial transaction of claim 1 is initiated by the user in response to the managed message, rather than sending a message in response to initiation of a financial transaction, as disclosed by Joao.

For at least the foregoing reasons Joao fails to disclose each and every feature of claim 1. Therefore, Joao fails to anticipate claim 1, and claim 1 is allowable.

Independent claims 23, 45, 46, 65, and 78 disclose features similar to those of claim 1 discuss above. Accordingly, claims 23, 45, 46, 65, and 78 are allowable over Joao.

Claims 4, 26, and 47 have been cancelled thereby rendering moot all rejections to these claims.

All remaining claims, including new claims 79-81, depend from independent claims 1, 23, 45, 46, 65, or 78. Therefore, for at least the reasons discussed above with respect to their respective base claims, all remaining claims are neither anticipated nor obvious in view of Joao. Accordingly, all remaining claims are allowable over Joao.

Reconsideration and withdrawal of the rejections of claims 1-3, 5-25, 27-46, and 48-81 is respectfully requested.

IV. No New Matter

The amendments to claims 1, 22-25, 27-30, 44-45, 63-64, and 77 have been made to expand the meaning of acronyms and address matters of form. Claims 79-81 are supported by Figures 5 and 11 and the Specification as originally filed at page 17, line 1 – 18, and page 12, line 15 bridging page 13, line 3. Accordingly, these amendments do not add new matter.

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

/Kevin J. Beach/
Kevin J. Beach
Reg. No. 60,422
Attorney for Applicants
Tel.: 973-530-2158

Date: September 2, 2010
Wolff & Samson PC
One Boland Dr.]
West Orange, NJ 07052